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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ADMIRALTY AND VICE ADMIRALTY JURISDICTION
IN ITS COMMERCIAL DIVISION

JUDGE'S ORDER NO.60 OF 2024
IN
COM ADMIRALTY SUIT (L) NO.10984 OF 2024

Tangar Ship Management Pvt. Ltd. ...Plaintiff

Versus

MV Seastar Amba One (IMO No.9302322) & ...Defendants
Anr.

Prathamesh Kamat, i/b. Apurva Mehta (Pohonerkar) for the Plaintiff.

CORAM : R.I. CHAGLA J.
DATE : 1ST APRIL, 2024.

ORDER :

1. Mentioned. Not on board. Taken on board.
2. Mr. Kamat, Ld. Counsel appearing on behalf of the Plaintiff has informed the Court that there is no valid/active caveat against the arrest of the Defendant Vessel in the caveat warrant book. The caveat book is produced and so is a praecipe with an endorsement from the Execution Department that there are no valid caveats as on 2.00 pm.

3. The Plaintiff has filed the Suit for a judgment and decree against Defendants and arrest, sequestration, condemnation and sale of the Defendant No. 1 Vessel for securing and/or satisfying the Plaintiff's claim in the sum of Rs. Rs. 60,08,501/- (Indian Rupees Sixty Lakhs Eight Thousand Five Hundred and One only, along with interest at the rate of 12 percent per annum on the principal claim amount of Rs. 35,44,246/- from 26th March 2024 till payment/realization, for crew wages and manning agency fees in respect of Defendant no. 1 vessel. It is the Plaintiff's case that their invoices towards crew wages and manning agency fees have remained unpaid by Defendant no. 2, who are the Owners of Defendant No. 1 vessel despite acknowledging the debt. The Plaintiff's claim is a maritime claim under Section 4(1)(p) and Section 4(1)(t) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017.
4. I have heard Mr. Kamat, learned counsel appearing on behalf of the Plaintiff and also considered the averments made in the Plaint. On going through the Plaint and the annexures thereto, I find that a *prima facie* case for arrest of the Defendant Vessel is made out.
5. The claim in the present Suit is a maritime claim as contemplated in [Section 4\(1\)\(p\)](#) and Section 4 (1)(t) of the Admiralty

(Jurisdiction and Settlement of Maritime Claims) Act, 2017. The vessel is liable to be arrested under [Section 5\(1\)\(a\)](#) read with [Section 5\(2\)](#) of the Admiralty (Jurisdiction and Settlement of Maritime Claims) Act, 2017. I also find that the balance of convenience lies in favour of the Plaintiff to whom irreversible prejudice would be caused if the reliefs sought in the Judge's Order were to be denied.

6. In view of the facts averted to earlier, I find that there is a cause of action in favour of the Plaintiff and that the Defendant Vessel being at the port and harbour of Mumbai Port, i.e. within the admiralty jurisdiction of the Court. In these circumstances, I order and direct the arrest of the Defendant Vessel MV SEASTAR AMBA ONE (IMO no.9302322), along with her hull, tackle, engines, machinery, boats, bunkers, equipment, paraphernalia and other appurtenances presently at the port and harbour of Mumbai Port, or wherever she is within the territorial waters of India until the satisfaction of the Plaintiff's claim.
7. I have seen the Judge's Order and it seems to be in proper form and with the appropriate contents. I accept the undertakings contained in the Judge's Order as undertakings to the Court. I, therefore, make an order in terms of the Judge's Order and in the

facts and circumstances of the present case and is signed separately.

8. All concerned including the port and customs authorities will act upon a copy of this order digitally signed by the Private Secretary/ Personal Assistant of this Court.
9. The Plaintiff is at liberty to forward a copy of a communication from the Sheriff of Mumbai forwarding the digitally signed copy of this order or an authenticated copy of this order, by fax/email/hand delivery/ RPAD to all the concerned authorities. Warrant of Arrest to be served upon the Defendant no. 1 vessel within 4 weeks from today.
10. After execution of warrant of arrest, if the arrested vessel is not released by furnishing security or bail amount within 15 days, or an application for vacating the order of arrest is not filed, or the vessel is found abandoned by the person in-charge of the vessel or owner, or is found unmanned, then, in such an event, on an application being made by the Plaintiff, the office of the Sheriff of Mumbai shall present a Sheriff's report for auctioning the vessel within seven days from the date of receiving communication from the Plaintiff's Advocate or from the date of knowledge of abandonment of the vessel.

11. All parties to act on a copy of this order digitally signed by the Personal Assistant/Private Secretary/Associate of this Court or on an authenticated copy of this order.

[R.I. CHAGLA J.]